

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA,  
NORTHERN DIVISION**

**HAZEL M. ROBY, as Administratrix of  
the Estate of RONALD TYRONE  
ROBY, Deceased,**

**Plaintiff,**

**v.**

**BENTON EXPRESS, INC., et al,**

**Defendants.**

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**CIVIL ACTION NO.: 2:05CV494-T**

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**DEFENDANT'S DESIGNATION OF RESPONSIVE PORTIONS OF DEPOSITIONS**

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COMES NOW the Defendant, Benton Express, Inc., and, in accordance with the Court's scheduling order, provides the following as the portions of depositions it intends to offer in response to the portions of depositions the Plaintiff intends to offer:

**I. WITNESSES WHO ARE EXPECTED TO APPEAR "LIVE" AT TRIAL**

Among others, the Plaintiff has indicated that she intends to offer portions of the depositions of Don Hammonds, Glenn Clark, Garlin McLellan, David Justice, Bill Jones, Barry Weems, Tony Stephens, Lisa Warr, and Bob Tynes at trial. Defendant presently expects these witnesses to appear "live" at trial to testify. Therefore, Defendant does not presently intend to offer any portion of their deposition testimony into evidence. Instead, Defendant intends to offer their live testimony. However, Defendant reserves the right to use any portion of their depositions for impeachment purposes and/or in accordance with the Rules of Evidence and Rule 32 of the Federal Rules of Civil Procedure.

## **II. WITNESSES WHO WILL NOT APPEAR “LIVE” AT TRIAL**

The Plaintiff has also indicated that she intends to offer portions of the depositions of Stephanie Stephens, Angie Daniels, K.J. Stapler, and David Tripp at trial. The residence of each of these witnesses is beyond the trial subpoena jurisdiction of the Court. Accordingly, Defendant expects their testimony to be offered at trial by deposition in accordance with Rule 32 of the Federal Rules of Civil Procedure.

**A. Stephanie Stephens:** Page 11:11 - 12:6; page 14:11-13; page 19:16 - 20:2; page 23:6-7; page 25:9-23; page 26:23 - 27:11; page 28:7-12; page 29:21 - 30:15; page 32:23 - 33:19; page 35:11-21; page 37:3 - 38:6; page 48:21 - 147:16; page 150:15 - 152:6.

**B. Angie Daniels:** Page 5:1-14; page 6:13-14; page 7:5-12; page 8:16 - 9:16; page 10:8-22; page 11:1-3; page 11:15 - 13:11; page 14:8 - 15:10; page 15:22 - 16:1; page 16:7 - 18:9; page 18:15-21; page 19:7-9; page 20:9-13; page 21:11 - 22:2; page 23:2 - 24:9; page 25:3-19; page 26:3-11.

**C. K.J. Stapler:** Page 4:21 - 5:7; page 5:16-17; page 6:9 - 7:2; page 7:11-18; page 9:5-16; page 10:3-4; page 10:8-20; page 10:23-24; page 11:1-13; page 11:20-23; page 11:25 - 12:2; page 12:4-13; page 12:15-25; page 13:9-20; page 15:14-22; page 17:2-4; page 20:22 - 21:7; page 22:5-12; page 25:1-6; page 27:18 - 28:9; page 28:11; page 29:21 - 30:1; page 30:7-10; page 30:12-25; page 31:2; page 31:17-24; page 32:5-9; page 32:18-24.

**D. David Tripp:** Page 4:25 5:8; page 5:24 - 6:4; page 6:17-22; page 7:14 - 8:25; page 9:1 - 11:3; page 11:13 - 15:16; page 15:22 - 18:5; page 18:15-21; page 19:11 - 20:12; page 23:18 - 24:14; page 26:22 - 27:17; page 29:12 - 30:7; page 31:16 - 32:22.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following on this the 15th day of February, 2006:

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